

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No. 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and SUZANNE)
NAGELSKI,)

Plaintiffs,)

v.)

PREFERRED PAIN MANAGEMENT &)
SPINE CARE, P.A., DR. DAVID SPIVEY,)
individually, and SHERRY SPIVEY,)
individually.)

Defendants.)

Exhibit 9

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FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and SUZANNE)
NAGELSKI,)
)
Plaintiffs,)
)
vs.)
)
PREFERRED PAIN MANAGEMENT & SPINE)
CARE, P.A., DR. DAVID SPIVEY,)
individually, and SHERRY SPIVEY,)
individually,)
)
Defendants.)
_____)

D E P O S I T I O N

OF

GRETCHAN HAWKS

At Winston-Salem, North Carolina

Friday, August 24, 2018

REPORTER: ELAINE F. HAYES
Notary Public

REED & ASSOCIATES
2401 Whirlaway Court
Matthews, NC 28105
980-339-3575

1 going to sound lay on this. She knew codes, you
2 know, the up and coming things. She knew her job.

3 Q. Got you. When did you first meet Sue Nagelski?

4 A. I met Sue at PPM. I don't think I'd ever met Sue
5 before.

6 Q. And you worked with Sue when Sue was at PPM?

7 A. Well, I mean, yeah, she did the benefits and stuff
8 like that.

9 Q. Did you ever have any issues with Sue?

10 A. No.

11 Q. Did you get along with her fine?

12 A. Yes.

13 Q. Okay. Take a look at Exhibit 5.

14 A. Exhibit 5?

15 Q. Yeah. I've already opened it for you. Looking at
16 the first page, have you seen that before?

17 A. Yes.

18 Q. When did you see it?

19 A. I saw this -- the exact date, I'm not sure. It was
20 right after my dog went missing. I'm trying to --
21 three weeks ago minus two days.

22 Q. All right. So these are PPM responses to some of
23 Rebecca and Sue's --

24 A. Oh, wait a minute.

25 Q. -- interrogatories and discovery requests.

1 Q. Yes?

2 A. I do see -- I'm sorry. I'm sorry. Yes, I do see my
3 name.

4 Q. Okay. First of all, do you recall having to help
5 answer any questions like this at any time? This was
6 from last year. Do you recall in discovery or being
7 asked to help answer these sorts of questions? If
8 you don't -- that's what I'm asking.

9 A. What sort of questions?

10 Q. Were you ever asked what input you had? I'm not
11 talking about the conversation with your lawyer from
12 three weeks ago.

13 A. Right.

14 Q. I'm talking about, you know, prior to that.

15 A. What input did I have in Rebecca leaving?

16 Q. Yeah.

17 A. I had no input in that.

18 Q. Okay. Do you recall talking with Dr. Spivey about
19 Rebecca's role in the lab?

20 A. I do not. I do not recall talking to him
21 specifically. I do not.

22 Q. Do you recall him asking you if the lab would run
23 just fine if Ms. Kovalich was no longer there?

24 A. No. He didn't say that. I don't remember talking to
25 him. I don't remember a conversation to him about

1 that.

2 Q. Is that something you would remember, do you think,
3 if that did happen?

4 A. I think I would.

5 Q. And just for --

6 A. But I know I wouldn't say that. I know I would not
7 say that about Rebecca.

8 Q. Why is that? How do you know that?

9 A. Because I love Rebecca. You don't have to write --
10 but I do. I mean, I would not. She's been good to
11 me, as well as Dr. Spivey, and I would not do that.
12 I would not do that.

13 Q. I understand all that.

14 A. That's not me.

15 Q. I understand. But also, just in terms of her value
16 to the lab, was that also -- in other words, was she
17 a valuable contributor to the lab the whole time she
18 was at PPM, in your opinion?

19 A. In my opinion, yes.

20 Q. And why is that?

21 A. Because she -- first of all, I think -- I was not
22 there when she started the lab, but she facilitated
23 the process, as far as she knew who and what -- who
24 to get in touch with and who to do this, that, and
25 the other thing. I hate to be so vague.

1 Q. Do you recall any conversations in late 2015 or 2016
2 whatsoever with Dr. Spivey about Rebecca?

3 A. No, I do not.

4 Q. How often do you speak with Dr. Spivey?

5 A. I can't put like once every month because I don't
6 talk to Dr. Spivey a whole lot, not -- maybe once
7 every three months.

8 Q. As far as you know, did -- it's Rodney Leftwich,
9 right?

10 A. Rodney Leftwich, yes.

11 Q. Did he ever tell Dr. Spivey that Rebecca was no
12 longer needed in the lab?

13 A. I never heard him say that. I can't speak for
14 Rodney, but I wouldn't -- I can give you my opinion
15 on that, and that would be no. But I can't say that
16 because I'm not around Dr. Spivey and Rodney. I
17 mean, they could call each other, for all I know.

18 Q. It's a very similar question. I just want to ask it
19 a different way with Rebecca. Did you ever tell
20 Dr. Spivey that the duties that Rebecca was doing in
21 the lab were no longer necessary?

22 A. No.

23 Q. Okay. Fair enough. Who did you report to? Let's
24 just kind of narrow down the time frame. When
25 Rebecca was still there, who was your direct